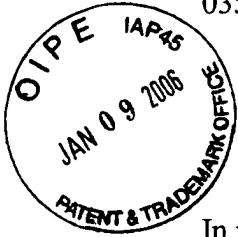


03500.015132

77W
DAC
\$
PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: G. Vieaux
KATSUHITO SAKURAI, ET AL.)
: Group Art Unit: 2612
Appln. No.: 09/783,556)
:
Filed: February 15, 2001)
:
For: IMAGE PICKUP APPARATUS)
INCLUDING A PLURALITY OF)
PIXELS, EACH HAVING A)
PHOTOELECTRIC CONVERSION)
ELEMENT AND AN AMPLIFIER)
WHOSE OUTPUT IS PREVENTED)
FROM FALLING BELOW A)
PREDETERMINED LEVEL)
(AS AMENDED))
:
Patent No.: US 6,963,371 B2)
:
Issued: November 8, 2005) January 9, 2006
(Monday)

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Sir:

01/11/2006 JADD02 00000003 09783556

Patentees hereby request under 37 CFR 1.705(d) reconsideration and

01 FC:1455

200.00 OP

recalculation of the Patent Term Adjustment (PTA) for the above-identified patent.

Submitted herewith is a check for \$200.00 for the fee set forth in 37 CFR 1.18(e). Any

deficiency in this fee may be charged or any overpayment credited to Deposit Account No. 06-1205.

For the following reasons, this patent is believed to be entitled to a PTA of 906 days.

FACTS

1. The present patent issued from patent Application No. 09/783,556 (the '556 application) filed on February 15, 2001.
2. The present patent is not subject to any terminal disclaimers.
3. The Patent Application Information Retrieval (PAIR) system indicates an Applicants-delay period of 99 days and a PTO-delay period of 906 days. The period of PTA assessed for the '556 application is 807 days.
4. On June 27, 2005, Applicants paid the Issue and Publication Fees and filed a Request for Corrected Notice of Allowance, requesting correction of the title on the Notice of Allowance. It is presumed that the Request is listed in the PAIR system as the "Miscellaneous Incoming Letter" dated June 27, 2005. The patent was assessed a reduction of period of adjustment of the patent term of 99 days for this Miscellaneous Incoming Letter.

ARGUMENTS

1. The PTO incorrectly treated the Request for Corrected Notice of Allowance as an “other paper” under 37 CFR 1.704(c)(10), and wrongly assessed 99 days of Applicants delay.

2. As discussed in the MPEP § 2232 and the OG Notice “Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed” dated June 26, 2001, only certain submissions will be considered a failure to engage in reasonable efforts to conclude processing after sending a Notice of Allowance. Among those submissions listed as not considered to be a failure to engage in reasonable efforts to conclude such processing is “(6)...a request to correct an error or omission in the ‘Notice of Allowance’...”

3. The Request for Corrected Notice of Allowance was filed to correct the title was incorrectly listed in the Notice of Allowance and Fee(s) Due. Accordingly, the Request should be considered a submission that does not cause substantial interference and delay in the patent issue process and should not be considered a failure to engage in reasonable efforts to conclude processing or examination of an application.

4. Therefore, the Request for Corrected Notice of Allowance should not cause any reduction in PTA and there should be (0) zero days of Applicants delay.

RELIEF REQUESTED

Reconsideration of the patent term adjustment is respectfully requested, in which the Applicants-delay period of 99 days be reduced to zero (0) days. It is requested that the patent term adjustment be recalculated as 906 days.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Mark A. Williamson
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

MAW/agn/eyw

DC_MAIN 227136v1